

Before the  
Federal Communications Commission  
Washington, DC 20554

ORIGINAL

ORIGINAL  
FILE

In re Applications of ) MM Docket No. 92-70  
)  
SABLE COMMUNITY BROADCASTING ) File No. BPED-851003MB  
CORPORATION )  
Hobson City, Alabama )  
)  
TRINITY CHRISTIAN ACADEMY ) File No. BPED-860512MB  
Oxford, Alabama )  
)  
For Construction Permit for )  
New Noncommercial Educational )  
FM Facility on Channel 217 )

RECEIVED

JUL 9 1992

FEDERAL BUREAU OF INVESTIGATION  
OFFICE OF THE SECRETARY

To: The Honorable Arthur I. Steinberg  
Administrative Law Judge

JOINT REPORT

Sable Community Broadcasting Corporation ("Sable") and Trinity Christian Academy ("Trinity"), by their respective attorneys, hereby submit this Joint Report pursuant to the Memorandum Opinion and Order, FCC 92M-720, released June 29, 1992.

On July 6, 1992, counsel for Sable and Trinity met for the purpose of discussing the matters delineated in paragraphs 1(b) and 1(c) of the Order Prior to Prehearing Conference, FCC 92M-493, released April 24, 1992. Specifically, counsel for the parties discussed settlement, a share time arrangement, the scope of the issues to be tried and discovery. Herein are the results of that meeting.

No. of Copies rec'd 075  
List A B C D E

Settlement

Discussions concerning settlement continued at the meeting. The parties are exploring the availability of an alternative, equivalent channel to which one of the parties would amend their proposal, thereby eliminating the mutual exclusivity of their respective applications. Considerations of interference to WBRC-

TV, Channel 6, Birmingham, Alabama, have complicated the channel search. The parties have also discussed full or partial reimbursement of expenses in return for the dismissal of one of the applications.

Settlement discussions continue in earnest as this Report is being prepared and filed.

#### Share Time

Because of the different agendas and philosophies of the applicants, neither party believes a share time arrangement would best serve the public interest. The programming plans of the two applicants are quite different and are targeted to different audiences. Both parties fear that a split format would confuse listeners and result in a smaller overall audience than could be achieved by a unified format. For these reasons, neither party is prepared to endorse a share time arrangement at this time.

#### Scope of the Issues to be Tried

Although both parties recognize the ambiguities inherent in the standard noncommercial comparative issues, both parties are prepared to try the case in accordance with the issues specified in the Hearing Designation Order, DA 92-412, released April 15, 1992, as interpreted by case precedent.

In addition to the standard noncommercial comparative issues, the parties intend to address the Section 307(b) choice of community issue, and the financial qualifications issue designated against Sable's application.

With respect to the Section 307(b) issue, and the comparative areas and populations issue specified in paragraphs 12 and 13 of the HDO, the parties are in the process of retaining the services

of a technical consultant to prepare the necessary joint engineering exhibit. It is entirely possible that an extension of the July 21, 1992 due date for the exchange of the preliminary joint engineering exhibit established in the Order Prior to Prehearing Conference will be requested.

Discovery

The parties have scheduled depositions for the week of July 27 in Atlanta, Georgia. A Joint Document Production Stipulation is being filed concurrently herewith. Although the parties presently anticipate completing discovery by July 31, 1992, the date established in the Order Prior to Prehearing Conference, it is possible that an extension may be requested in light of ongoing settlement negotiations, and in light of the forthcoming Motion for Production of Documents by Trinity on the financial issue against Sable.

Respectfully submitted,

SABLE COMMUNITY BROADCASTING  
CORPORATION

By: G. Stevens-Kittner

Gerald Stevens-Kittner  
ARTER & HADDEN  
1801 K Street, NW, Suite 400  
Washington, DC 20006  
(202) 775-7138

Its Attorneys

TRINITY CHRISTIAN ACADEMY

By: Harry C. Martin

Harry C. Martin  
REDDY, BEGLEY & MARTIN  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037  
(202) 659-5700

Its Attorneys

July 9, 1992

CERTIFICATE OF SERVICE

I, Michelle Jarrett, a secretary in the law firm of Arter & Hadden, hereby certify that on this 9th day of July, 1992, a copy of the foregoing JOINT REPORT was served unless otherwise indicated by hand delivery on each of the following persons:

Honorable Arthur I. Steinberg  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Room 228  
Washington, D.C. 20554

Paulette Laden, Esquire  
Hearing Branch, Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 7212  
Washington, D.C. 20554

Larry D. Eads, Chief  
Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Rm. 302  
Washington, D.C. 20554

\* Harry C. Martin  
Andrew S. Kersting  
Reddy, Begley & Martin  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037  
Counsel for Trinity Christian Academy

\* via first class U.S. mail,  
postage prepaid

  
Michelle Jarrett